

REMARKS

The application has been amended and is believed to be in condition for allowance.

Claim 1 has been amended. No new matter is added by this amendment. See the below discussion re: paragraph [0015] of the published application.

Claims 2-3 have been cancelled without prejudice.

Double Patenting

Claim 1 was rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 21 of U.S. Patent No. 7,072,173 in view of JP 2000-173876 ('876) and JP 01-268110 ('110).

Claim 2 was rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 21 of U.S. Patent No. 7,072,173 in view of JP 2000-173864 ('864) and JP 2000-173876 ('876).

Claim 3 was rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 20 of U.S. Patent No. 7,072,173 in view of JP 2000-173864 ('864), JP 2000-173876 ('876), and Arora et al. (RE 31,743).

Claim 5 was rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 20 of U.S. Patent No. 7,072,173 in view of JP 2000-173876 ('876), JP 01-268110 ('110) and Arora et al. (RE 31,743).

As amended, the claimed invention provides a material of separator different from that of US 7,072,173.

US 7,072,173 discloses the separator made from nonwoven fabric which is polypropylene or polyethylene (see US 7,072,173: column 10, lines 13-15).

The presently recited invention excludes these materials.

See that paragraph [0015] lines 8-21 of US patent publication 2006/0152882, disclose that "a separator of the present invention is made of heat-resistant synthetic resin. Examples of the separator include fabric, nonwoven fabric, paper, and porous film. In other words, the fabric, nonwoven fabric or paper made by using the high-molecular fibers such as polyester, polyamide, vinylon, rayon, aramid, poly ethylene terephthalate, polyethylene naphthalate, poly phenylene sulfide, aromatic polyester, polyimide, polyamido-imido, polyetherimide, polytetrafluoroethylene, polyaminobismaleimide, poly(ethylene-tetraethylene), poly(vinylidene fluoride), and the like, or using the high porous film made by using these high molecules. Examples of resins used as binders include epoxy resin, phenol resin, polyurethane resin, and melamine resin".

However, paragraph [0015] lines 21-24 disclose that "Due to the low tensile strength and low heat resistance nature of polypropylene, polyethylene and the like, winding of the

capacitor element is going to be difficult using these and thus not preferable".

Consistent with this disclosure, claim 1 of the present invention has been amended to exclude polypropylene and polyethylene.

In view of this complete distinction with the separator of US 7,072,173, the present claims are non-obvious over US 7,072,173.

In view of this distinction, applicant respectfully requests withdrawal of the pending nonstatutory obviousness-type double patenting as being unpatentable over claim 21 of U.S. Patent No. 7,072,173 in view of JP 2000-173876 ('876) and JP 01-268110 ('110). Claim 5 should be allowed at least for depending from an allowable claim.

The rejections of claims 2-3 are moot.

Reconsideration and allowance of claims 1 and 5 are respectfully requested.

This response is believed to be fully responsive and to put the case in condition for allowance. Entry of the amendment, and an early and favorable action on the merits, are earnestly requested. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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